

REMARKS

Applicants appreciate the thorough review of the present application reflected in the Official Actions dated June 27, 2005 and May 26, 2006. Applicants have amended the claims of the present application to put the application in form for allowance. In particular, Applicants have (1) amended Claims 2, 6-7, 12 and 54-55 to address the various informalities identified in the May 26, 2006 Official Action, (2) rewritten Claim 6 into independent form, (3) cancelled Claims 1 and 5 and (4) amended the remaining claims to depend from Claim 6. As discussed herein, the subject matter of Claim 6 is not taught or suggested by the references cited in the Official Action, either alone or in combination, and hence Applicants respectfully submit that the application is now in condition for allowance.

Applicants amendments to the claims comprise the cancellation of claims, complying with requirements of form that are expressly set forth in the Official Action, rewriting a claim into independent form, and placing the claims in better form for consideration on appeal. No new issues are raised. Accordingly, entry of the present Amendment After Final is appropriate pursuant to 37 C.F.R. § 1.116 and MPEP § 714.12.

I. **Claim 6 is Patentable Over the Cited Art**

As noted above, Claim 6 has been rewritten into independent form, and has been amended to address the informalities identified in the Official Action. Claim 6 stands rejected in the May 26, 2006 Official Action as obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 4,818,715 to Chao ("Chao") in view of U.S. Patent No. 6,436,776 to Nakayama et al. ("Nakayama"). (Official Action at 10-11). In particular, the Official Action states that Chao, at Figs. 5e, 5h and 7d, discloses all of the recitations of Claims 1 and 5 (which Claim 6 depended from before it was rewritten into independent form), and that Nakayama discloses the recitations of Claim 6 that are missing from Chao. (Official Action at 4-5 and 10). The Official Action further states that it would have been obvious to a person of ordinary skill in the art to add the alleged features from Nakayama to the device of Chao "in order to eliminate short circuit (i.e., bridging phenomenon etc.), reduce parasitic capacitance generated between the gate electrode and the source/drain region." Applicants respectfully submit, however, that even were Chao and Nakayama properly combinable, which they are not, the combination

would not disclose the subject matter of Claim 6. Accordingly, for the reasons discussed below, Applicants respectfully request reconsideration of the pending rejections.

In particular, the Official Action cites to Figs. 5e and 7d of Chao are cited in the Official Action as disclosing an inverted T-shaped gate electrode having a silicon base portion and a silicon column portion. (Official Action at 4). However, the structure of Figs. 5e and 7d is an intermediate structure. In particular, as shown in Fig. 5f and discussed at Col. 9, lines 17-20 and Col. 10, lines 24-29 of Chao, the side portions of structures in Chao identified as inverted T-shaped gate electrodes are oxidized so that they are converted into polysilicon dioxide spacers. As such, the finished products of Chao unquestionably do not include inverted T-shaped gate electrodes as shown, for example, in Fig. 5i of Chao.

Therefore, even assuming, for the sake of argument, that one of skill in the art would have been motivated to modify the devices of Chao based on Nakayama, it is clear that the combination would not disclose the subject matter of Claim 6. Instead, to the extent that the alleged curing thermal oxide layer and alleged insulating spacer of Nakayama were added to the device of Chao, they would be added to the final structure of Chao, as opposed to an intermediate structure, and hence the resulting structure would not include an inverted T-shaped gate electrode. In fact, the devices of Figs. 5e and 7d of Chao could not be modified in the manner suggested in the Official Action, as the addition of a curing thermal oxide layer before oxidation of the gate electrode would inhibit the ability to carry out the oxidation of the gate electrode taught by Chao. As such, Applicants respectfully submit that the combination of Chao and Nakayama do not render Claim 6 obvious.

II. Other Comments

Applicants have amended the claims to address each of the informalities identified on page 2 of the Official Action, which the Official Action stated must be corrected. (Official Action at 2). Applicants have also amended Claims 2, 6 and 7 to correct the antecedent basis issues identified on page 3 of the Official Action in the section addressing rejections under 35 U.S.C. § 112. Finally, Applicants have amended the dependencies of Claims 2-4, 9-12 and 54-55 to depend from Claim 6. In light of these amendments, Applicatns respectfully submit that this application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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